

## **REMARKS**

### IDS ACKNOWLEDGEMENT

Consideration of the IDS of June 8, 2007, attachment 1(g), non-patent literatures (NPLs) D1-D17, resubmitted on June 22, 2009 is requested. An IDS transmittal for these NPLs is resubmitted.

### REJECTIONS

Claims 6, 8-21 and 23-31 are pending.

The independent claim is 10.

#### 35 USC 112, second paragraph, and 35 USC 101 Rejection:

Claims 6, 8-21 and 23-31 are rejected under 35 USC 112, second paragraph, and 35 USC 101, respectively, for indefiniteness and for being directed to non-statutory subject matter by allegedly being hybrid claims that overlap two different statutory classes of inventions under 35 USC 101.

The Office Action page 2, item 4, provides that 'STS of claim 6 does not include a processor executing instructions for storing the personal identifying information.' The Office Action page 4, items 9 and 10 also provide '... it is unclear what the processor is executing? Is it executing instructions?'

The claims are amended taking into consideration the Office Action comments. It is readily apparent that each "consumer mobile device," "merchant mobile device" and "STS" are computers, so claim 10 and dependent claims are directed to a product.

Withdrawal of the indefiniteness and statutory subject matter rejections is requested.

#### Obviousness-type Double Patenting Rejection:

A terminal disclaimer is submitted to overcome the non-statutory obviousness-type double patenting rejection over US Patent No. 7,349,871. Withdrawal of the non-statutory obviousness-type double patenting rejection is requested.

The claims are now in condition for allowance, which is respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/628,583

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
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